NOTICE OF ADMINISTRATIVE DECISION and MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

The City of Bainbridge Island has made a decision concerning the following land use application:

Date of Issuance:

November 7, 2013

Project Name:

Parker / Barr Exemption from Shoreline Substantial Development Permit

File Number:

SSDE 18361

Applicants:

John Parker and Hilary Barr

Proposal Description:

Construct a cable lift and landings to access the shoreline from a steep coastal bluff. Additional development within the Native Vegetation Zone: Relocate an existing staircase section less than 120 square feet in size, construct a boathouse 200 square feet in size, construct a 120 square foot patio with a three foot diameter fire pit, install propane facilities, install a four foot width pathway, and reconfigure a 40 foot length section

of the existing bulkhead to provide steps to the beach.

Location of Proposal:

16790 Agate Point Road NE, Bainbridge Island

Tax Account Number:

282602-4-001-2003

Permit Decision:

The proposal is partially approved, and partially denied: The proposed installation of propane tanks / propane facilities within the Native Vegetation Zone is denied; the remaining aspects of the proposal are conditionally approved. The staff report, containing the statement of facts upon which the decision, including conditions, is based and the conclusions of law derived from those facts, is available to the public upon request. This decision becomes effective after 14 days from the

date of issuance, or after November 21, 2013.

SEPA Determination:

The City of Bainbridge Island (lead agency) has determined that the proposal does not have a probable significant impact on the environment if measures to mitigate the proposal are used. An Environmental Impact Statement is not required under RCW 43.21C.030(2)(c). This determination was made after review of a completed environmental checklist and other information on file with the lead agency. The information is available to the public upon request. This MDNS is issued using the optional DNS process in WAC

197-11-355; there is no further comment period on the MDNS.

Responsible Official

Katharine Cook, Director

Department of Planning & Community Development

Address:

City of Bainbridge Island 280 Madison Avenue North

Bainbridge Island, WA 98110 (206) 842 - 2552

Signature

Date: //- 0 /-/3

Appeal Procedure:

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This administrative decision and/or SEPA determination may be appealed by filing a written appeal and paying a \$530.00 filing fee to the City Clerk at 280 Madison Avenue North, Bainbridge Island, WA 98110, in accordance with the procedures set forth in the Bainbridge Island Municipal Code, Section 2.16.020.P. An appeal must be filed **no later than 4:00 p.m., November 21, 2013.** You should be prepared to make specific factual objections.

If you have any questions concerning this application, please contact:

Kelly Tayara, Planner
Department of Planning and Community Development
280 Madison Avenue North
Bainbridge Island, WA 98110
Email: pcd@bainbridgewa.gov

Telephone: (206)780-3787 or (206) 780-3770

Decision: Approval of the request, with the exception of installation of propane tanks / propane facilities within the Native Vegetation Zone, subject to the following conditions.

SEPA Conditions:

- 1. Construction permit application shall identify a minimum area of disturbance for construction within shoreline jurisdiction. Disturbed areas shall be stabilized during and following construction to avoid erosion, and shall be replanted with native vegetation immediately following construction.
- 2. The application for construction shall include an approved native vegetation landscape planting plan for areas in the Native Vegetation Zone (NVZ) disturbed by construction, and for the additional contiguous area identified in Condition 9a below.
 - a. The applicant is required to restore / plant with native vegetation such that one-hundred percent coverage is achieved within three years of initial planting. Such planting shall be depicted in a planting plan approved by the Department of Planning & Community Development prior to any clearing or grading on the site.
- 3. Extreme care shall be taken to prevent petroleum products, chemicals or other toxic or deleterious materials from entering the water. If a spill occurs, or oil sheen or distressed fish are observed in the project vicinity, the applicant shall stop work and immediately notify Washington Department of Ecology Northwest Region at (425) 649-7000.
- 4. Activities to be undertaken as part of this exemption may require approvals or permits from the Washington Department of Fish and Wildlife and/or the Army Corps of Engineers. Evidence of required approvals or permission shall be submitted to the City prior to the commencement of any construction activities.

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- 5. The applicant is required to stop work and immediately notify the Department of Planning and Community Development at (206) 842-2552, and the Washington State Office of Archaeology and Historic Preservation at (360) 586-3065, if any historical or archaeological artifacts are uncovered during excavation or construction.
- 6. All construction shall follow the recommendations of a geotechnical engineer licensed in the State of Washington. The applicant for construction must submit City geotechnical forms "Steps 1 and 2" with building permit application, and "Step 3" prior to final inspection.

Project Conditions

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- 7. The applicant for construction shall obtain an approved building permit from the City for all work approved through this exemption. Building plans and construction shall substantially conform to the plans submitted for this exemption, except as required to comply with these conditions of approval.
- 8. Activities within the Native Vegetation Zone shall comply with BIMC 16.12.090 and BIMC 16.12.260:
 - a. The existing Native Vegetation Zone (NVZ) shall be altered to provide an additional contiguous area equal to the area of the boathouse, patio, steps to the beach, and any pathway within the NVZ. The additional area (approximately 600 square feet) shall be depicted on all construction site plans.
 - b. The boathouse shall not exceed 200 square feet in size and 12 feet in height above existing grade.
 - c. The patio shall be pervious, shall not exceed 120 square feet in size, and shall be less than 30 inches above grade.
 - d. The pathway shall be not more than four feet in width, shall be of pervious material, and shall be constructed by hand, and designed to minimize environmental impacts.
 - e. The steps through the bulkhead shall be not more than four feet in width.
- 9. Construction site plans shall depict side yards that provide 30 percent of the lot width free of above-ground structures and impervious areas within 200 feet of the Ordinary High Water Mark; each side yard shall meet the minimum zoning setback of 10 feet.
- 10. All required plantings shall be installed prior to temporary or final occupancy of buildings and/or final inspection of structures or facilities. Subject to approval by and terms of the Director, required planting may be assured for not less than 125 percent of the cost of installation.
- 11. Prior to temporary or final occupancy of buildings and/or final inspection of structures or facilities, the applicant shall assure required plantings by providing a maintenance assurance device for a period of three years from date of installation, in a form approved by the Department of Planning and Community Development, and in the amount of 20 percent of the cost of replacing the plantings.

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